S.B.Civil Misc. Transfer Pet.No.18/07
Smt. Kiran vs. Narendra

Date of Order : 01.5.2007

HON'BLE MR. PRAKASH TATIA,J.

Ms. N.S. Rajpurohit for the petitioner
None present for the non-petitioner.

Heard learned counsel for the petitioner.

The petitioner-wife of the non-petitioner has filed this transfer petition for getting the Civil Misc. Case No.332/2006-Narendra Chaudhary vs. Smt. Kiran Chaudhary, which is pending in the Family Court, Jodhpur. According to the petitioner, the petitioner is residing in small village Harslav of Gotan District Nagaur. The petitioner already initiated proceedings under Section 125, Cr.P.C. for getting maintenance which is pending in the court of Addl. Chief Judicial Magistrate, Merta. She also lodged a criminal case against the non-petitioner under Section 498-A, 406 and 323, IPC which is also pending in the court of Addl. Chief Judicial Magistrate, Merta. According to the petitioner, she is a young lady and cannot travel to attend the Family Court's proceedings at Jodhpur.

Despite service, no body appeared to contest the transfer

petition and looking to the grounds mentioned in the transfer petition, this Court is of the view that the petition filed by the non-petitioner under Section 9 of the Hindu Marriage Act deserves to be transferred to the court of District Judge, Nagaur.

In view of the above, the transfer petition is allowed. The Civil Misc. Case No.332/06 Narendra Chaudhary v. Smt. Kiran Chaudhary pending in the court of Family Court, Jodhpur is hereby withdrawn and is transferred to the court of District Judge, Nagaur for deciding in accordance with law.

(**PRAKASH TATIA),J.**

mlt.